

CLEAN AIR ACT7-22-D. Emergency Temporary Restraining Orders

1. **AUTHORITY.** Pursuant to the Clean Air Act, including Sections 113(b), 204, 303, and 305, to refer requests for Emergency Temporary Restraining Orders to the U.S. Department of Justice and to the appropriate United States Attorney.
2. **TO WHOM REDELEGATED.** Director, Enforcement and Compliance Assurance Division.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the referral. The RC may waive concurrence in writing.
 - b. Any official exercising this authority must notify the assistant administrator for the Office of Enforcement and Compliance Assurance before exercising this authority. The AA for OECA may waive the requirement for notification in writing.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. DOJ, June 1977, 42 Federal Register 48,942 (1977).
 - b. For referral of other civil actions under the CAA, see the Chapter 7 delegation entitled "Civil Judicial Enforcement Actions, Including Collection Actions."
 - c. For issuance of emergency administrative orders, see the Chapter 7 delegation entitled "Emergency Powers."



Debra H. Thomas
Acting Regional Administrator

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Date